



Appeal Decision

Site visit made on 30 July 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2024

Appeal Ref: APP/M0655/W/24/3341789

Chennai Indian Restaurant, 384 Leigh End, Warrington Road, Warrington WA3 5NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Daniel Leigh against the decision of Warrington Borough Council.
 - The application Ref is 2023/00569/FUL.
 - The development proposed is planning application for change of use of first floor to office and addition of external fire escapes.
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Decision

1. The appeal is allowed and planning permission is granted for planning application for change of use of first floor to office and addition of external fire escapes at Chennai Indian Restaurant, 384 Leigh End, Warrington WA3 5NX in accordance with the terms of the application, Ref 2023/00569/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Policies from the Warrington Local Plan Core Strategy (2014) (CS) have been superseded by policies from the Warrington Local Plan 2021/22-2038/39 (2023) (the LP) which has been adopted since the application was determined. I must base my decision on the development plan prevailing at the time of my determination. The relevant policy in the LP is DC6, which has superseded Policy QE7 from the CS which was quoted in the reason for refusal.
3. I saw on my site visit that the external fire escape is in place, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal proposal relates to the Chennai Indian restaurant, which was originally built as a public house. The property is two-storey with pitched roofs and a single-storey flat roofed extension. The appeal site lies within the village of Glazebury, which is inset within the Green Belt. The appeal property is set back from the footpath at the junction of Warrington Road and Lately Common, which is a no through road leading to Ward End's Farm and residential properties. Warrington Road is a busy A road. The property is situated within a small car park.

6. The rear garden of a row of terraced properties run along the southern boundary of the site. A neighbouring residential property borders the western boundary of the site.
7. The building, as a result of its design, scale and positioning, appears as a stand-alone building within the street scene. However, it is sited in proximity to nearby residential properties, which show variety in size, age and design. Further along Warrington Road lie commercial and retail premises. Areas of greenery with mature trees and hedging lie on the opposite sides of Lately Common and Warrington Road from the appeal site. Together this makes for a varied, non-uniform street scene which contributes to a diverse character area.
8. The proposed development would see the use of the first floor as an office. The ground floor of the building would remain as a restaurant. The alterations to the exterior of the building include a bin storage area, and a fire escape in the form of a metal staircase giving access to the first floor, which has already been constructed and which faces Warrington Road.
9. Due to the design and orientation of the building and other nearby properties, the staircase would not be significantly visible from any long range views. Within the street scene is street furniture in the form of bus shelters, telegraph poles, lampposts, signage and advertisements. Moreover, the appeal property has a rather functional porch which fronts Warrington Road, along with signage and ventilation and extraction systems. In this context, I do not consider that the staircase would look incongruous or discordant or disrupt a harmonious pattern of development.
10. Paragraph 55 of the National Planning Policy Framework indicates that decision-takers should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Whilst the proposed location of the bins along the Warrington Road elevation would add to street clutter, I consider that a condition could be imposed to ensure that the bin storage area would be located at the rear of the building to overcome concerns regarding its positioning and visual impact.
11. I am satisfied that the proposal would not cause material harm to the character and appearance of the area. As such, I find no conflict with Policy DC6 of the LP which, amongst other matters, expects development to contribute positively to the public realm and avoid unnecessary street clutter.

Conditions

12. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have amended the conditions as necessary. In addition to the standard commencement condition, I have imposed a condition listing the approved plans as this provides certainty. A condition requiring the siting of the proposed bin store is necessary to protect the character and appearance of the area.

Conclusion

13. For the reasons given above the appeal should be allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
Site Location Plan (ref. 384WarringtonRd_SiteLocationPlan_V2);
Proposed Block Plan (ref. 384WarringtonRd_ProposedBlockPlan_V2) (except in respect of the bin storage area);
Proposed Plans (ref. 384WarringtonRd_ProposedPlans_V2) (except in respect of the bin storage area);
Proposed Elevations (ref. 384WarringtonRd_ProposedElevations_V2).
- 3) Within 3 months of this decision, facilities for the storage of refuse for the approved development shall be located to the rear of the building within the existing car park area and retained for use at all times thereafter.

*****END OF SCHEDULE*****